

**REMARKS**

The present amendment is in response to the Office Action dated March 1, 2004, where the Examiner has rejected claims 1-18. By the present amendment, claims 1-18 have been cancelled, and claims 19-31 have been added. Accordingly, claims 19-31 are pending in the present application. Reconsideration and allowance of pending claims 19-31 in view of the amendments and the following remarks are respectfully requested.

**A. Rejection of Claims Under 35 USC §102**

The Examiner has rejected claims 1, 3-5, 7 and 12 under 35 USC §102(e) as being anticipated by Nohara et al. (USPN 6,546,258) ("Nohara '258"). The Examiner has further rejected claim 15 under 35 USC §102(e) as being anticipated by Lindemann et al. (USPN 6,553,210) ("Lindemann '210"). The Examiner has further rejected claim 16 under 35 USC §102(e) as being anticipated by Emmons, Jr. (USPN 6,275,475) ("Emmons '475"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has cancelled claims 1-18 and added claims 19-31. For the reasons that follow, applicant respectfully submits that claims 19-31 are patentably distinguishable over the cited references.

New independent claim 19 specifies, among other things, an antenna system for a wireless communication device comprising a first antenna circuit, a second antenna circuit, and a processor coupled to the first antenna circuit and to the second antenna circuit, wherein the processor is configured to operate the first antenna circuit to receive a first communication signal employing a first communication system mode, monitor a second communication signal via the second antenna circuit, the second

communication signal employing a second communication system mode different from the first communication system mode, and hand off communication of the wireless communication device to the second communication system mode based on the first communication signal and the second communication signal. New independent claim 26 specifies similar limitations. By way of example, the controller may determine that signals from the cellular band (monitored via auxiliary antenna 120a) are more effective than signals from the PCS band (received via main antenna 110) for purposes of reconfiguring reception of the wireless communication device from PCS to cellular. See, for example, Figures 1 and 2 and page 11, line 11 to page 12, line 5 of the present application. As explained in the present application, this technique achieves significantly improved wireless communication reception, resulting in improved device performance.

In contrast, neither Nohara '258 nor Lindemann '210 are directed to handing off a wireless communication device between different communication system modes based on a first communication signal received from a first antenna system and on a second communication signal received from a second antenna system. Instead, Nohara '258 discloses antenna 16 for receiving CDMA signals (first mode) and antenna 30 for receiving GPS signals (second mode). See Figure 1 of Nohara '258. Nohara '258 neither discloses nor suggests performing a "hand off" between a first mode (CDMA communication) to a second mode (GPS communication). Rather, GPS signals are used to provide position location information. Lindemann '210 is defective for similar reasons since Lindemann is directed to using a single antenna for simultaneously receiving cellular signals and GPS signals. Moreover, Lindemann '210

further fails to disclose or suggest performing a "hand off" between a first mode (cellular communication) to a second mode (GPS communication).

Referring to the disclosure of Emmons '475, Emmons '475 fails to disclose or suggest handing off a wireless communication device between different communication system modes based on a first communication signal received from a first antenna system and on a second communication signal received from a second antenna system. While Emmons '475 briefly discusses hand off, Emmons '475 is limited to hand off between one communication platform and a second communication platform. As disclosed in Emmons '475, however, each of the first and second communication platforms operate in the same communication mode of FDMA/TDD, such that each is part of a TDD platform pair. See, for example, first platform 124 and second platform 126 of Figure 1 and col. 7:50-55 of Emmons '475. Thus, a hand off in Emmons '475 correspond to a hand off between platform pairs, each platform operating in substantially the same communication mode, namely satellite-based FMDMA/TDD. In contrast, claims 19 and 26 specify that the second communication signal employs a second communication system mode different from the first communication system mode. As discussed above, examples of different communication system modes include PCS communication and cellular communication. Other examples of different communication system modes include CDMA, TMDA and AMPS, among others. See, for example, page 12 lines 1-5 of the present application.

As applied to Emmons '475, operating the Emmons' 475 device in manner specified by claims 19 and 26 would render the Emmons' 475 device inoperable as Emmons' 475 relies upon each of the platform pairs to operate in substantially the same manner (FDMA/TDD). In sum, Emmons '475 is directed to a device and technique

which are significant departures from that specified by claims 19 and 26. Accordingly, applicant respectfully submits that independent claim 19, and its corresponding dependent claims 20-25, and independent claim 26, and its corresponding dependent claim 27-31 are patentably distinguishable over Nohara '258, Lindemann '210, and Emmons '745, and, therefore, claims 19-31 should now be allowed.

**B. Rejection of Claims Under 35 USC §103**

The Examiner has further rejected dependent claims 2, 6, 8 and 13 under 35 USC §103(a) as being unpatentable over Nohara '258 in view of Mateo (USPN 6,215,988) ("Mateo '988"). The Examiner has further rejected dependent claims 9 and 10 under 35 USC §103(a) as being unpatentable over Nohara '258 in view of Burdick et al. (USPN 6,424,820) ("Burdick '820"). The Examiner has further rejected dependent claim 14 under 35 USC §103(a) as being unpatentable over Nohara '258 in view of Mateo '988 and further in view of Burdick '820. The Examiner has further rejected dependent claims 17 and 18 under 35 USC §103(a) as being unpatentable over Emmons '475 in view of Longaker et al. (USPN 6,218,984) ("Longaker '984").

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has cancelled claims 1-18 and added claims 19-31, rendering the Examiner's rejection moot. Furthermore, as discussed above, independent claims 19 and 26 are patentably distinguishable over Nohara '258 and Emmons '475 and, as such, claims 20-25 depending from independent claim 19, and claims 27-31 depending from independent claim 26 are, a fortiori, also patentably distinguishable over Nohara '258 and Emmons '475. Furthermore, the disclosures of Mateo '988, Burdick '820 and Longaker '984 fail to cure the deficiencies over Nohara

'258 and Emmons '475, since each fails to disclose or suggest handing off a wireless communication device between different communication system modes based on a first communication signal received from a first antenna system and on a second communication signal received from a second antenna system.

**C. Provisional Rejection under the Judicially Created Doctrine of Double Patenting**

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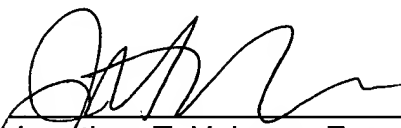
The Examiner has provisionally rejected claims 1-14 under the judicially created doctrine of double patenting as being unpatentable over claims 1, 4 and 17 of copending application No. 09/902,305, Pub. No. 2003/001313469. Applicant respectfully disagrees. In any case, claims 1-18 have been cancelled rendering the Examiner's rejection moot.

**D. Conclusion**

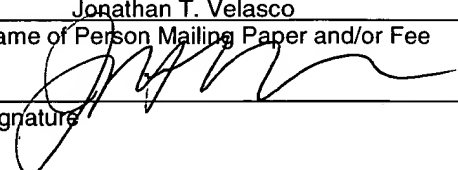
For all the foregoing reasons, an early allowance of claims 19-31 pending in the present application is respectfully requested.

Respectfully Submitted;

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